

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 177** SLS 24RS 413
 Bill Text Version: **REENGROSSED**
 Opp. Chamb. Action: **w/ HSE COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

Date: May 2, 2024	12:29 PM	Author: MORRIS, JAY
Dept./Agy.: Judiciary/Secretary of State/Courts		Analyst: Daniel Druilhet
Subject: Composition of Judiciary Commission Members		

COURTS RE1 SEE FISC NOTE GF EX See Note Page 1 of 1

Constitutional amendment to increase the non-lawyer membership of and provide for the selection judiciary commission members and to require investigations be conducted by directive of the supreme court. (2/3 - CA13s1(A))

Proposed law permits the supreme court, after an investigation by the judiciary commission (instituted on recommendation of the judiciary commission or by a majority vote of the supreme court), to censure, suspend, disqualify, involuntarily retire, or remove from office, a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, malfeasance, conduct while in office which would constitute a felony, sustaining a felony conviction, or for a disability that seriously interferes with the performance of his duties and that is likely to become permanent; provides that the supreme court may, pending an investigation by the judiciary commission, temporarily suspend, with or without salary, a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, conduct in violation of the code of judicial conduct, prejudicial to the administration of justice that brings the judicial office into disrepute, malfeasance, conduct while in office which would constitute a felony, or sustaining a felony conviction; provides that the supreme court shall make rules regarding censuring, disqualifying, involuntarily retiring, or removing a judge from office; places proposed law as a Constitutional amendment to be submitted on a ballot proposition for the statewide election to be held 11/05/24.

EXPENDITURES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0

Annual Total

REVENUES	2024-25	2025-26	2026-27	2027-28	2028-29	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
Annual Total	\$0	\$0	\$0	\$0	\$0	\$0

EXPENDITURE EXPLANATION

Proposed law may result in an indeterminable decrease in SGF expenditures in the Louisiana Supreme Court, to the extent that a judge is suspended, without salary, pending an investigation by the judiciary commission related to his potential misconduct. The exact fiscal impact to SGF expenditures to the Louisiana Supreme Court is indeterminable, as suspension without salary is optional pending an investigation by the judiciary commission, and there is no way to determine the number of judges who will be subject to an investigation by the judiciary commission with the proposed law's enactment.

The proposed legislation assigns additional duties to the Judiciary Commission relative to investigating members of the judiciary for willful misconduct, malfeasance, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, sustaining a felony conviction, or for a disability that seriously interferes with the performance of his duties, and requires the supreme court to establish rules regarding the investigative authority provided to judiciary commission members. The LFO presumes that additional expenditures may be incurred associated with the Supreme Court promulgating these rules and judiciary commission members exercising their investigative authority, but any fiscal impact related to these measures is indeterminable.

Secretary of State

The proposed constitutional amendment may result in a minimal increase in programming costs for the Department of State to update voting machines for statewide judicial elections and can likely be absorbed within the department's existing operating budget. The Department of State may incur minimal ballot processing costs associated with this measure. As a regular practice, the Department of State typically budgets for up to 10 constitutional amendments and statewide propositions for the fall statewide elections. To the extent the ballot includes more than 10 constitutional amendments and statewide propositions, the Department of State may require additional SGF resources for the November 5, 2024, statewide election. Any expenditure impact would be realized in FY 25.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}


Patrice Thomas
 Deputy Fiscal Officer